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Deterrence by Guessing Game?

Room 1301 is the hearing room of the House Banking and Currency Committee, borrowed for the occasion by House Foreign Affairs. It is a homey chamber with its lemon colored walls, gilt lighting fixtures and the two potted green elephant plants on its fireplace mantle. It contains about 50 cane bottommed chairs which filled rapidly last Monday morning, mostly with elderly ladies, the wives or widows of members, and a scattering of college students. The long press table was jammed with second echelon Washington correspondents. The bigwigs were snobbishly absent, having been privately briefed by Mr. Dulles the week before.

Mr. Dulles arrived flanked by Admiral Radford and followed by a covey of anxious aides with briefcases. Mr. Dulles looked in amazingly good health after his grim operation (how these Republicans thrive on surgery!). Mrs. Dulles, a rather sweet faced woman with sad eyes, took a reserved front row seat, from which she watched all day her husband's extraordinary form of convalescence. The faces and expressions at the crowded committee bench above Mr. Dulles were those one might see at any Akron, Ohio, Rotary club luncheon at the climactic moment when the pie a la mode has been served and it is time to hear the distinguished visiting speaker.

Geography, Too, Is Now "Classified"

Mr. Dulles in his prepared statement, like the President in his message two days earlier to that rather apathetic joint session of Congress, emphasized the importance of the new Middle Eastern resolution in putting potential aggressors on firm and clear notice. The danger, as Eisenhower expressed it, was that "ambitious despots may miscalculate." So almost the first question was whether the Secretary would tell the committee just what countries would be guaranteed. What was meant by "Middle East" and by the resolution's even vaguer wording which speaks of authorizing the President to undertake military assistance or action "*in the general area* of the Middle East?" "I prefer not to go into this morely closely," Mr. Dulles said mysteriously, "except in executive session."

This was the first surprise of the hearing. What happens to the notion of a clear, precise and unmistakable warning if the exact area to be covered by the guarantee against aggression is a secret? And is Congress to sign another blank check for war, with the place as well as the time to be filled in later? Mr. Dulles's reply in effect was that it was better to keep the enemy guessing, lest he take a more specific guarantee as an invitation to seize territory not covered by it. But how does one reconcile the miscalculation theory with the keep-'em guessing strategy? Mr. Dulles was not pressed on it. The Formosa resolution two years ago left Quemoy and Matsu vague in the blank check for war. This new one leaves not two small islands but a huge area of the globe in doubt. Advance stories included in this "general area" countries as far east as Afghanistan, as far west as Morocco, and as far south as Tanganyika. Moscow will have to guess hard to keep up with Mr. Dulles.

A Lovely Bit of Logic

The second surprise of the hearing came in the answers which Mr. Dulles furnished to the question of whether we had any evidence that there was danger of armed overt aggression. This was asked several times. The first time the wily Mr. Dulles replied that we had fully as much evidence in the Middle Eastern area as in other areas we had guaranteed. No one asked how much that was. "I don't know of any demonstrable evidence that the Soviet Union is going to attack the United States," Mr. Dulles said the next time, "but we have bases ready just in case." The third time, in replying to Mrs. Kelly of Brooklyn, the Secretary gave a fuller answer. "We do not have any concrete evidence," Mr. Dulles said, "of a planned attack on this area." But—he continued—the Soviets were tempted by it and they had no moral or legal inhibitions against taking the area if they could, so maybe they would try. "The fact that we don't have evidence of attack," Mr. Dulles concluded triumphantly, "does not prove that they are not going to attack." No one challenged this lovely logic.

The third surprise toward the end of that day long session, with an early winter dusk creeping through the windows, came in response to a question by Mrs. Church of Illinois. Mr. Dulles said the Administration would make no binding commitment under the new Middle Eastern plan which would automatically bring this country to the defense of any nation in that area attacked by the Soviet Union. (If the commitment isn't firm, what happens to the theory of deterrence by clear warning?) Mrs. Church commented wistfully that she thought there was "something indefinite" about the resolution. This will rank high among the understatements of this session.

One definite thing emerged from Mr. Dulles's replies. When Mr. Dulles was asked by Mrs. Kelly whether Israel could qualify for military assistance under the resolution, he replied that it was "our general policy not to be major purveyors of arms to Israel or the neighboring Arab countries and we don't expect the resolution to alter it in this respect." Suppose, Mr. Dulles was asked, that Israel was attacked by a nation which had Soviet advisers and Soviet arms, would she qualify for aid under the resolution? Mr. Dulles said the resolution would not apply unless the attacking government was actually controlled by Russia. This as much as says that an Arab state may accept Russian advisers and arms and attack Israel without running afoul of the new policy. This is hardly a formula for bringing peace and stability to the Middle East.

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Labor and the Negro May Now Bring About A Revolution in The Senate

The Power of the Southern Oligarchy Can Be Broken in 1959

The anti-filibuster fight can be won in 1959. The Nixon ruling makes it possible for a majority two years hence to change the rules. With Nixon in the chair to break a tie, a change of seven votes is now enough to loosen the stranglehold of the South upon the Senate. This is the big news which comes out of the first week of Congress.

Left of center, as well as right, there is reluctance to look too closely at what happened in the Senate on Friday, January 4. The Democrats and liberals find it politically uncomfortable to recognize what Nixon did. The Old Guard looks away because the events of that day foreshadow the end of that coalition of Southern Democrats and Republican troglodytes which so long dominated the Senate. But the Negro can cheer, for this was the curtain raiser on the final act of his struggle for first class citizenship.

The Nixon ruling and the vote in the Senate reflected the new power of the Negro voter in the North and the recognition of that power by the Eisenhower forces. If the Negro can be won back permanently to the Republican party, if it pursues the "me, too" New Dealism of the Eisenhower period, and if economic conditions remain good, the G.O.P. can hope to stay in power a long time.

When this year's vote (55-38) to table the Anderson anti-filibuster resolution is compared with the vote (70-21) last time it came up, four years ago, an historic shift in political power is disclosed. The South is rapidly being isolated. A mere change of seven votes would create a tie and Nixon holds the power to resolve that tie against the South. Perhaps the shift is most dramatically illustrated by the names and States of the twelve Republican Senators who voted with the South in 1953 and changed their minds to vote (or announce) against it in 1957. These were: Payne and Smith of Maine, Aiken and Flanders of Vermont, Bush and Purtell of Connecticut, Smith of New Jersey, Beall of Maryland, Cooper of Kentucky, Potter of Michigan, Thye of Minnesota and Wiley of Wisconsin.

What Happened?

The problem of changing the rules of the Senate is now a majority problem. In 1949 the Senate adopted in Section 3 of Rule XXII a provision that would forever prevent a majority from changing the rules against the wishes of even one determined dissenter. In holding Section 3 unconstitutional, Nixon has restored majority rule. It was by a simple majority that the Anderson anti-filibuster resolution was tabled. Two years hence, if Nixon rules the same way and a point of order is raised, it will take only a simple majority vote to uphold him, and a majority can then change the rules.

Even in the border States, the power of the Negro voter is rising. Four years ago there were no votes against the South from Maryland, Kentucky and Tennessee (Kefauver merely abstained). This year there were only two votes from these States *for* the South: Gore of Tennessee and Butler of Missouri. This time Kefauver voted against the South. So did both Senators from Kentucky and Beall of Maryland.

Another way to visualize the shift is to look at the block of Northern and border States from the Mississippi Valley to the Atlantic seaboard. In 1953 in only four of these States—Rhode Island, New York, West Virginia and Missouri—did both Senators vote against the South. But this year in only three of these States—New Hampshire, Delaware and Indiana—did both Senators vote *for* the South. Except for white supremacist Delaware, there is not a single State in this northern area where the Senators are not vulnerable to pressure.

The Filibuster and Minorities

"We are told the filibuster protects the right of the minority. What minority, Mr. President? The Negro minority, which, in much of our Nation is still denied first class citizenship . . . ? Or is the consideration devoted to the protection of an entrenched and powerful minority determined to continue to deny full first class citizenship to all Americans regardless of color . . . ? How long has it been since any other minority was protected by the filibuster?"

—McNamara (D., Mich.) to the Senate, Jan. 4.

Where to Get the Vote

Where can the seven votes to change the picture be obtained? The easiest vote, of course, is that of Green (R.I.). He voted against the South in 1953. His vote this year on the other side of the fence is inexplicable. Next is that of Saltonstall in Massachusetts; his colleague Kennedy voted against the South both years. The third is the seat which Knowland will vacate in California; he was the only holdout on the South's side among the six Senators from the Pacific Coast States. Considering California's high proportion of Mexican, Jewish and Negro voters, whoever succeeds Knowland is going to have to vote as Kuchel did against the filibuster.

Where to get four votes more? Of the 30 Senators whose terms expire in 1959, the next time the issue comes up, three are from the South and thirteen voted against it. This leaves 14, including Knowland who will not run again. Of the other 13 at least seven can be fought on this issue with some hope of success. Martin (R.) of Pennsylvania is a last holdout in the Middle Atlantic States against the dominant trend in his own Republican party. Bricker (R.) of Ohio will have trouble on this issue, especially since Lausche voted the other way. Revercomb (R.) of West Virginia is from a State where both Senators last time (Neely and Kilgore) voted against the South. McCarthy (R.) was left isolated on this issue when Wiley reversed his own position and announced this year against the South. Gore (D.) of Tennessee must change his vote in 1959 and join Kefauver or give up any hope of the Democratic presidential nomination. Goldwater (R.) is from a State, Arizona, where one fifth of the population is of Mexican extraction. (Senator Anderson's leadership in the anti-filibuster fight is no accident: one third of the people of his State, New Mexico, are of Mexican origin, and feel the race issue as keenly as the Negro). Jenner (R.) of Indiana will be hard put to explain how he claims to be for civil rights but keeps on voting for the South on the filibuster issue. It should be possible to pick up four votes from these seven.

Labor, the Negro and other minority groups ought to begin and plan now for that test two years hence. A virtual revolution may be accomplished in the Senate. This would bring dramatic changes not only on Negro rights but on all social issues.

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The Billion Dollar Oil Steal In The Wake of the Middle East Crisis

The story to which the press is paying least attention is the oil company gouge in the wake of the Middle East crisis. . . . The 35 cent increase a barrel in the price of crude and the penny increase a gallon in the price of gas will add up this year to an extra tax of close to a billion dollars on the U.S. consumer. . . . The penny-a-gallon alone will amount to more than a half billion dollars a year. . . . This is pure steal. . . . The Suez crisis did not increase the demand for gasoline from abroad but for crude; foreign countries prefer to do their own refining. . . . Instead of a shortage of gasoline, we have a glut. . . . The latest official figure was that gasoline in storage is more than 175 million barrels, 20 million barrels higher than last year. . . . "The greatest problem facing the U.S. oil industry—and one which cannot be solved by the European fuel shortage," the New York *Journal of Commerce* reported January 8, "is the surplus stocks of gasoline." . . . Yet the price is boosted a penny a gallon on the excuse of the oil shortage abroad. . . . As for crude oil, shut-in production is two and a half times as great as Western Europe's emergency needs. . . . Production is being artificially restricted to provide an excuse for the price rise. . . . Senator O'Mahoney (D. Wyo.) is calling for an inquiry by the Senate Anti-Trust and Monopoly Subcommittee, of which he is a member. . . . He complains that the Administration handed over emergency powers to 15 major companies in the Middle East crisis and they are using it at the expense of the consumer and the independent. . . .

Congress Prepares to Tackle That Long Overdue Surgery of Labor Rackets

Labor's enemies may be preparing to attempt what labor's leaders and friends have been too weak to tackle: a clean out of racket elements. . . . The big labor news this year will be made on Capitol Hill where behind closed doors this week the Senate Permanent Investigations Subcommittee of the Senate Government Operations Committee (the old McCarthy committee) will begin to interrogate Teamster officials. . . . Victor Riesel's blinding last April sparked the committee's investigation, which began in July. . . . Its chairman, Senator McClellan (D. Ark.) told the Senate last week staff members had been at work in New York, Chicago, Seattle, Portland, Los Angeles, Minneapolis, Philadelphia and other areas, and had uncovered instances of collusion with employers, extortion, violence, diversion of funds, income tax frauds and even a case where "dishonest Teamster officials" tried to take over a city government "for the purpose of controlling vice, including gambling and prostitution." . . . The McClellan committee membership is heavily anti-labor and Senator Ives (R. N.Y.) tried last week with a rival resolution to shift any investigation to the friendly Senate Labor Committee. . . . But three events have created so bad an impression as to make it unlikely Ives will succeed. . . . Frank Brewster, president of the Western Conference of Teamsters in Seattle, now says the records he was asked to bring here this week have been "stolen." . . . In New York City, the Teamsters announced that they were reactivating the alliance with the racket-ridden ILA (longshoremen) which George Meany blocked last spring. . . . And Martin Lacey of the Teamsters Joint Council in New York gave up his long fight against racket alliances in disgust. . . . The situation is so bad that even some labor leaders, traditionally opposed to Congressional investigation of union affairs, are not as hostile as they would normally be to a Senate inquiry. . . . The racketeers in some areas of the movement are getting too big for the top leaders of labor to handle on their own. . . .

Behind the Barenblatt and Harry Sacher Contempt Decisions

Three indistinguishably conservative judges (Washington, Bastian and Burger) on the Circuit Court of Appeals here, in upholding the First Amendment contempt conviction of Lloyd Barenblatt, serve as a reminder that the U.S. Supreme Court has never yet passed on the right of the House Un-American Activities Committee to engage in ideological inquisition. The Barenblatt decision, in upholding the powers of the Committee to inquire into political association and belief, was based on the famous *Barsky* case *(167 F. 2d 241)* in 1948, which the Supreme Court refused to review, as it also refused to review the Hollywood Ten cases. This has left the law as stated by the Circuit Courts, but one of these days—perhaps in the Barenblatt case— the Supreme Court will have to pass on the issue. So far Judge Edgerton's dissent in *Barsky* and Judge Charles E. Clark's dissent in the *Josephson* case *(165 F. 2d 82)* are the only direct judicial challenges to the right of Congress to engage in a secular heresy hunt. Barenblatt, a young Vassar instructor (discharged immediately on being subpoenaed), was identified as having been a member during his student days of an allegedly Communist discussion group.

The same three judges, in upholding the conviction of Harry Sacher for contempt of the Senate Internal Security subcommittee, unfairly stated the facts of the case. Sacher was summoned in the subcommittee's investigation of Matusow's recantation. The subcommittee purported to be inquiring into an alleged conspiracy to arrange for Matusow to recant. The Court opinion failed to make clear that Sacher, while declining on First Amendment grounds to answer questions about membership in the Communist party, did deny under oath that he had any knowledge of, or had participated in, any such conspiracy. The omission blurred the issue, which was: Having answered the questions pertinent to the Matusow investigation, was Sacher compelled to answer general questions about his political views and associations? But the court went beyond an unfair omission to a direct misstatement. The opinion says the Senate committee was investigating "reports linking appellant with this alleged conspiracy." But at the trial, Jules Sourwine, then counsel for the committee, testified to the contrary. Sourwine's testimony in court, like Sacher's before the committee, was that Sacher knew nothing of the recantation until he received Matusow's affidavit. The decision admits that Sacher, as lawyer for the Communists in the "second echelon" Smith Act prosecution (Elizabeth Gurley Flynn et al) had "a right and a duty" to make use of Matusow's recantation for the benefit of his clients. History will see this whole affair as another incident in the political persecution of a brave lawyer. Unless he wins on appeal, Sacher goes to jail for six months. He has already served six months for contempt of court in the first Smith Act trials and was only saved from disbarment by a favorable Supreme Court decision.

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High-Lights and Low: Off The Ticker Tape and In The Crystal Ball

Israel's Crisis: It would be suicidal for Israel to withdraw from Gaza and Sham-es-Sheikh at the head of the Gulf of Akaba and permit Nasser to resume *fedayeen* raids from the Strip and his illegal blockade of Elath. . . . Nasser promised not to blockade the Gulf of Akaba in 1950; his promise is worthless. . . . *Fedayeen* are already operating again from Jordan. . . . The wise solution would be to let the UN take over the Gaza strip pending a final Arab-Israeli settlement; the refugees there prefer UN to Egyptian rule, though understandably hostile to Israel. . . . And if the UN wants peace and stability in the Middle East, a system of permanent patrols in the Sinai (until an Israeli-Egyptian peace) would go a long way to prevent the raids which provoked Israel to war. . . . It is time for Americans to remember what we did when Villa's troops raided across the U.S.-Mexican border. . . .

Nixon vs. Knowland: The stage is set for a wide-open fight between the two for the 1960 nomination; the former has decided to bank his future on Eisenhower Republicanism and the Negro, the latter on disaffected right wing Republicans. The Knowland move this early puts the Administration's nominal Senate leader into a posture of opposition and increases its dependence on the Democrats. Since the Administration must do something on civil rights, the session will see the curious spectacle of Eisenhower and the liberal Democrats drawing closer while Johnson and Knowland form a bipartisan opposition.

The Future of Poland: Gomulka's absence from the meeting of the other satellite States with Krushchev in Budapest, the U.S. receptiveness on trade talks, and the attack by *Rude Pravo* in Prague on both Polish and Yugoslav publications for their heretical attitude on Hungary add up to a further drift of Poland toward a qualified independence. . . . Gomulka's position is precarious; the Russians will never let him become a Tito, receiving military aid from the U.S. but courage and political skill may carve out considerable leeway for the Polish state internally and externally. . . .

Tip to the Press: Federal Judge Goodman's order in San Francisco forbidding the State Department to penalize Los Angeles Attorney A. L. Wirin "for entering or leaving" Communist China might become a precedent for a similar action to protect a reporter threatened with sanctions for travelling there in the course of exercising freedom of the press. . . . Wirin is counsel for John W. and Sylvia Powell and Julian Schuman of the now defunct *China Monthly Review* (Shanghai) indicted for sedition for printing germ warfare and other charges during the Korean war. . . . Wirin withdrew his passport suit here in the District on the heels of the Goodman order. . . . He is going into China to collect depositions to prove that such charges were printed in good faith and on the basis of reports the Powells believed reliable. . . . When an editor has to prove in court that he did not "wilfully" print what the government believes untrue we are back in the days when Eighteenth Century colonial editors could be haled into court for "seditious libel." . . . "Print but at your own risk" was freedom of the press as Blackstone understood it, but the Framers thought Blackstone was superseded by the First Amendment. . . .

Memo to the State Dept.

In view of an unfortunate trading practice in Saudi Arabia perhaps it might be just as well if the schedule for the forthcoming visit of King Saud omitted a visit to the Lincoln Memorial. If His Royal Highness should turn the conversation to the Emancipation Proclamation, our visitor could be taken instead to see where Booth shot him.

Test of white supremacy: The Southern Regional Council reports that 21 cities in Arkansas, North Carolina, Virginia, Texas and Tennessee have abolished bus segregation without court action. The real test of the white supremacists in Montgomery, Birmingham and Tallahassee is whether (like the Negroes in those cities) they care deeply enough to walk: no law says they *have* to ride the buses. . . . **Hat's Off:** To Edward R. Murrow and Fred W. Friendly for their "See It Now" TV program January 6 on Clinton, Tenn., superb and sensitive reporting. . . .

Just the politically purest little old capital in the world (this side of Moscow): The District of Columbia Commissioners voted unanimously last week (despite a recent protest by the ACLU) that the Corporation Counsel had a right to ask applicants for licenses to sell insurance whether they had ever invoked the Fifth amendment. . . . The ACLU doesn't realize the special hazards here. . . . The shrewd City Fathers are taking no chances on letting subversive insurance men handle policies for certain members of Congress. . . . Imagine the escape clauses a pinko agent might slip into life insurance for, let us say, Chairman Walter of the House Un-American Activities Committee. . . . His heirs would probably find (in the small print) that they could collect the full sum on which premiums had been paid by the deceased if he got trampled by a wild bull dropped from a helicopter in a collision with a BMT subway train anywhere in Flatbush on a legal holiday.

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